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3 **UNITED STATES DISTRICT COURT**

4 EASTERN DISTRICT OF CALIFORNIA

5
6 CLIFFORD POLLARD TURNER,

7 Plaintiff,

8 v.

9 JEWISH, *et al.*,

10 Defendants.

Case No. 1:23-cv-00287-BAM (PC)

ORDER DENYING MOTION TO PROCEED
IN FORMA PAUPERIS WITHOUT
PREJUDICE

(ECF No. 7.)

ORDER REQUIRING PLAINTIFF TO FILE
COMPLETED APPLICATION TO PROCEED
IN FORMA PAUPERIS OR PAY FILING FEE

THIRTY (30) DAY DEADLINE

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14 Plaintiff Clifford Pollard Turner (“Plaintiff”) is a Texas state prisoner proceeding *pro se* in
15 this civil rights action pursuant to 42 U.S.C. § 1983.

16 On February 27, 2023, the Court denied Plaintiff’s application to proceed *in forma*
17 *pauperis* because it was incomplete. (ECF No. 4.) Plaintiff failed to submit a certified copy of
18 his trust account statement and did not have an authorized officer from his institution complete
19 the certificate portion of the form. Plaintiff was directed to file a completed application,
20 including a certified copy of his trust account statement, or to pay the \$402.00 filing fee for this
21 action, within thirty days. (*Id.*) Plaintiff filed a renewed motion to proceed *in forma pauperis* on
22 April 3, 2023, (ECF No. 5), and the application was again denied as incomplete, because Plaintiff
23 failed to include a certified copy of his trust account statement for the past six months, (ECF No.
24 6). Plaintiff was ordered again to file a completed motion to proceed *in forma pauperis*,
25 **including a certified copy of his trust account statement for the past six months**, or pay the
26 filing fee for this action, within thirty days. (ECF No. 6.)

27 On April 11, 2023, Plaintiff filed a renewed motion to proceed *in forma pauperis*. (ECF
28 No. 7.) Plaintiff has again failed to include a certified copy of his trust account statement for the

1 past six months. (*Id.*)

2 The Court will grant Plaintiff a **final opportunity** to either file a motion to proceed *in*
3 *forma pauperis*, including a certified copy of his trust account statement for the past six months,
4 or to pay the filing fee for this action. If Plaintiff files another application to proceed *in forma*
5 *pauperis* that does not include a certified copy of his trust account statement for the past six
6 months, he must also include a written explanation of the efforts he has taken to obtain such a
7 statement and why he has been unable to provide one to the Court. **If Plaintiff fails to provide a**
8 **completed application or an explanation for his failure to do so, this action will be dismissed**
9 **for failure to prosecute and failure to comply with a Court order.**

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. Plaintiff's motion to proceed *in forma pauperis*, (ECF No. 7), is DENIED without
12 prejudice;
- 13 2. The Clerk of the Court is directed to serve this order and a blank *in forma pauperis*
14 application for a prisoner on Plaintiff;
- 15 3. Within **thirty (30) days** from the date of service of this order, Plaintiff shall file the
16 attached application to proceed *in forma pauperis*, completed and signed, **including a**
17 **certified copy of his trust account statement for the past six months**, or in the
18 alternative, pay the \$402.00 filing fee for this action;
- 19 4. No extension of time will be granted without a showing of good cause; and
- 20 5. **The failure to comply with this order will result in dismissal of this action without**
21 **prejudice.**

22
23 IT IS SO ORDERED.

24 Dated: April 12, 2023

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE
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